THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.18733 OF 2007

Dated 5th September, 2007

Between:

M/s Lakshmi General Trading Company …Petitioner

And

The Joint Commissioner of Commercial Taxes and three others. …Respondents

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O R D E R ***(Per the Hon'ble Sri Justice Bilal Nazki):***

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

The case of the petitioner is that pending disposal of the appeal before the Sales Tax Appellate Tribunal, he filed an application, seeking stay of collection of the disputed tax, before the Joint Commissioner-the first respondent. The first respondent heard the stay application on 14-08-2007 and reserved it for orders. In the meantime, notice of attachment in form –V has been issued by the Deputy Commercial Tax Officer-the fourth respondent. Hence, this writ petition.

We have gone through the record and heard learned counsel for the parties. We feel that the interest of justice would be met if stay of recovery is granted, pending appeal, subject to deposit of 50 per cent of the disputed tax. Therefore, we dispose of the writ petition directing that there shall be stay of recovery on payment of 50 per cent of the disputed tax, by the petitioner, within a period of four weeks. For four weeks, there shall be an unconditional stay and the impugned notice of attachment issued in form – V shall not be given effect to and if the amounts as directed by us are paid, the impugned notice of attachment shall stand quashed and the stay of recovery shall continue till disposal of the appeal. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. No order as to costs.

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Bilal Nazki,J

Dated 5th September, 2007

Ramesh Ranganathan,J

Note: Issue wire at party's cost
(b/o)
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